

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**NAKALA MURRY, et al.
PLAINTIFFS**

VS.

NO.: 4:23-cv-97-NBB-DAS

**CITY OF INDIANOLA, MS, et al.
DEFENDANTS**

**PLAINTIFF'S MOTION TO STRIKE PENDING MOTION TO FILE
AMENDED COMPLAINT AND FOR LEAVE TO FILE A RENEWED
MOTION TO AMEND**

Comes now, Plaintiff, by and through counsel, and respectfully files this, her Motion and Memorandum to Strike Pending Motion to File Amended Complaint (Doc. 98) and for Leave to File a Renewed Motion to Amend her Complaint on or before October 4, 2024. In support of this Motion, Plaintiff states as follows:

1. As of today, September 11, 2024, Plaintiff has retained new counsel to represent her in this matter. She has discharged her prior counsel, who pursuant to this Court's July 19, 2024 order (Doc. 97), filed a Motion to Amend Plaintiff's Complaint (Doc.98). Defendants filed an opposition to Plaintiff's proposed amended complaint, arguing, *inter alia*, that the Plaintiff's proposed amended complaint contains incurable defects. (Doc. 101 at 3).

2. Plaintiff, through newly retained undersigned counsel respectfully request that this Court grant them two and a half weeks to file a renewed Motion for Leave to Amend with a revised proposed Amended Complaint. This additional

time is necessary for undersigned Counsel to evaluate the record developed in this case to date, and to craft a pleading responsive to some of the alleged deficiencies asserted by the Defendants in their most recent filing. Should this Motion be well taken, Plaintiff also requests that the Court strike Plaintiff's pending Motion to Amend. (Doc. 98).

3. Undersigned counsel recognize that this request may require additional briefing and create some delay in these proceedings. However, Plaintiff's request—to file a renewed Motion for Leave to Amend Plaintiff's Complaint—is consistent with the requirements of Fed. R. Civ. P. 15(a), which provides that leave to amend “shall be freely given when justice so requires.” *Dussouy v. Gulf Coast Inv. Corp.*, 660 F.2d 594, 597 (5th Cir.1981).

For the reasons stated more fully above and in the accompanying Memorandum of Authorities, Plaintiff respectfully requests leave to file a Motion for Leave to File an Amended Complaint on or before October 4, 2024. Further, Plaintiff respectfully requests that the Court strike Plaintiff's pending Motion to Amend.

Respectfully submitted:

NAKALA MURRY

By: /s/ Sheila A. Bedi

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Counsel for Plaintiffs

**pro hac vice motions pending
forthcoming

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that the foregoing document was electronically served on all counsel who have filed appearances in this case via the Court's CM/ECF system on September 12, 2024.

/s/ Sheila A. Bedi